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Appl. No.: 10/707,432
Amdt. Dated: 3/15/2007
Reply to Office action of: 09/26/2006

AMENDMENTS TO THE DRAWINGS:

There are no amendments to the drawings being presented herewith.

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REMARKS/ARGUMENTS

Claims 1 – 19 remain in this application. Claim 20 has been amended canceled.

No new matter has been introduced by these amendments to the claims.

A renewed petition filed under 37 CFR 1.48(a) is being filed concurrently with the filing of this amendment with the Petitions Office.

Claim 1 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states:

In claims 1, 10, and 19, the limitation “storage receptacles, items, and brackets having located thereon at least one prong suitable for inserting into said at least one mounting cavity” renders the claims indefinite because it is unclear how many of these storage receptacles, items, and brackets applicant is attempting to claim. The claims also recite that “at least one of a desired container, item, and bracket” can be secured via the inventive mounting apparatus, implying that Applicant is really only claiming one of either a container/receptacle, item, or bracket. The rejections that follow in this Office Action are based on the assumption that Applicant is really only claiming one of a container/receptacle, item, or bracket having at least one prong/cavity for mounting.

Claim 6 recites the limitation “the one edge” in lines 2 – 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation “its closed position: in line 2. There is insufficient antecedent basis for this limitation in the claim.

Applicant respectfully traverses this rejection. By this amendment the phrase “storage receptacles, items, and brackets” has been modified to read “storage receptacles, items, and brackets having located thereon at least one prong suitable for inserting a single desired storage receptacle, item and bracket into each of said at least one mounting cavity” and the claim now clearly claims that only a single desired unit is mounted in each mounting cavity. Applicants argue that the description of multiple receptacles, items, and brackets capable of being used is proper but that the Examiner is correct that only one desired item of this selection may be mounted in a single cavity. The presented

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amendments to claims 1, 10 and 19 are believed to address both of these criteria. In view of this amendment to claims 1, 10 and 19, this rejection is now moot and Applicants ask that it be removed.

Claim 6 has been amended to remove the language rejected as being indefinite. In view of this amendment to claim 6 this rejection is now moot and Applicants ask that it be removed.

In claim 20 has been canceled. In view of this amendment to claim 19 and the canceling of claim 20, this rejection is now moot and Applicants ask that it be removed.

Claims 1, 2, 5 – 11, and 14 – 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Heinz et al. (US 5,769,294 A). Specifically, the Examiner states:

Regarding claims 1, 2, 10, 11, Heinz et al. disclose a device mounting apparatus suitable for attaching and securing items and receptacles having various sizes and shapes in a vehicle comprising in cooperative combination: a mounting unit (20, Figure 10), that in its closed position is completely hidden from view in an interior surface (26) of a vehicle having located therein a plurality of mounting cavities (hollow areas formed by behind hooks 36); at least one storage receptacle/item/bracket (24) having located thereon a plurality of mounting prongs (multiple hangers have multiple prongs) suitable for inserting into said at least one mounting cavity (Figure 10); thereby allowing the secure attachment of at least one of a desired container/item/bracket (24) in a vehicle.

Regarding claims 5 and 14, the mounting unit rotates around pivot pins (52).

Regarding claims 6 and 15, the pivot pin (52) and its corresponding socket (50) allow for the turning or rotation of the mounting unit, effectively serving as a hinge along the mounting unit's outer edge (Figure 9).

Regarding claims 7 and 16, as the apparatus pivots open, it glides smoothly, or slides, and Examiner therefore considers the pivot mechanism to be a sliding mechanism.

Regarding claims 8, 9, 17, and 18, either of the cavities and prongs of Heinz et al. can be considered to be oriented either horizontally or vertically, depending on how you look at the figures.

Regarding claims 19 and 20, the selectively hidden mounting device (20) includes at least one prong (36) and

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at least one receptacle/container/item (22) has a cavity
(opening in the bag handle) for attaching to the prong
(Figure 1).

Applicant respectfully traverses these rejections. The key to Applicant's invention is a device mounting apparatus that provides mounting cavity that accepts any of a selection of mounting members that in turn allow for the secure mounting of some item, device, or container within a vehicle passenger area and/or cargo area. This allows, for example, a single mounting cavity to securely mount a DVD player using one mounting member and a cell phone using another mounting member. It is also possible to provide power from the vehicle's electrical system to the so secured electronic device in one preferred embodiment of the claimed invention. Further the claimed invention in one embodiment provides for multiple mounting connections for securely holding mounting members designed to contain heavier or larger items such as coolers and camping gear. To allow for secure attachment of a wide variety of items, devices, and containers these objects are not attached to the mounting cavity directly but by means of a item specific intermediate mounting member.

A fair reading of the Heinz et al (US 5,769,294) reference discloses a method of providing hooks for hanging bag handles which can be either recessed into the sidewall panels of a vehicle or which can be designed to hide within the sidewall panels and not showing when not in use. However, the Heinz et al. reference does not disclose, teach, or fairly suggest how to provide a way to remove the bag hooks and replace them with a bracket to hold a cell phone or a DVD player for example. This is because Heinz et al. clearly does not disclose, teach, or fairly suggest how to provide the hook mount as a separate part that can be detachably mounted within the recess of the sidewall panel. Instead it clearly discloses that the hooks are an integral part of the mounting cavity. The Examiner's argument that the bag handle is the cavity is misplaced. The cavity is the recess, the hook is permanently mounting within the recess and the bag is mounted by means of the handle loop. The bag is not mounted to the recess cavity by the loop and then the hook mounted to the bag which is what the Examiner's argument requires to met Applicants' claimed invention. Clearly, the required impetus for modifying the one piece unitary recessed hook of the Heinz et al. reference is not present and one skilled in the art can not find any such suggestion without first having knowledge of Applicants' claimed invention.

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In light of the fact that Applicants' independent claims are not disclosed, taught, or suggested by the Heinz et al (US 5,769,294) reference the Applicants' dependent claims are also not disclosed, taught, or suggested by the Heinz et al (US 5,769,294) reference either.

Clearly, when viewed in this light the Heinz et al (US 5,769,294) reference does not disclose, teach, or suggest the use of a desired mounting bracket attachable to within a cavity to securely mount a specific type of device within a vehicle compartment as claimed in Applicants' present invention.

Claims 1, 3 – 6, 8 – 10, 12 – 15, 17, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kempkers (US 4,221,354 A). Specifically, the Examiner states:

Regarding claims 1 and 10, Kempkers discloses a device mounting apparatus suitable for attaching and securing items and receptacles having various sizes and shapes in a vehicle comprising in cooperative combination: a mounting unit (40), that in its closed position is completely hidden from view in an interior surface of a vehicle having located therein at least one mounting cavity (50); at least one storage receptacle/item/bracket (clothing hangers) for inserting into said at least one mounting cavity (col. 2 line 65); thereby allowing the secure attachment of at least one of a desired container/item/bracket (hanger) in a vehicle.

Kempkers does not specifically state that the clothing hangers have prongs, however, Examiner takes Official Notice to the fact that it is old and well known for clothing hangers to have a prong at the top from which the hanger is suspended. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the hangers of Kempkers have prongs.

Regarding claims 3, 4, 12, and 13, Kempkers teaches that the mounting apparatus is made from polycarbonate.

Regarding claims 5 and 14, the mounting unit rotates around a pivot pins (41).

Regarding claims 6 and 15, the pivot pin (41) and its corresponding socket (20', 21') allow for the turning or rotation of the mounting unit, effectively serving as a hinge along the mounting unit's outer edge.

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Regarding claims 7 and 16, as the apparatus pivots open, it glides smoothly, or slides, and Examiner therefore considers the pivot mechanism to be a sliding mechanism.

Regarding claims 8, 9, 17, and 18, either of the cavities and prongs of Kempkers can be considered to be oriented either horizontally or vertically, depending on how you look at the figures.

Applicant respectfully traverses these rejections. The key to Applicant's invention, as mentioned above, is a device mounting apparatus that provides mounting cavity that accepts any of a selection of mounting members that in turn allow for the secure mounting of some item, device, or container within a vehicle passenger area and/or cargo area. This allows, for example, a single mounting cavity to securely mount a DVD player using one mounting member and a cell phone using another mounting member. It is also possible to provide power from the vehicle's electrical system to the so secured electronic device in one preferred embodiment of the claimed invention. Further the claimed invention in one embodiment provides for multiple mounting connections for securely holding mounting members designed to contain heavier or larger items such as coolers and camping gear. To allow for secure attachment of a wide variety of items, devices, and containers these objects are not attached to the mounting cavity directly but by means of a item specific intermediate mounting member.

A fair reading of the Kempkers (US 4,221,354 A) reference discloses a pivoting retractable hook for a vehicle which may be recessed within a vehicle wall panel when not in use and pivoted outward into the vehicle compartment to provide access to the hook for hanging objects susceptible to hanging from hooks.

There is nothing in the Kempkers (US 4,221,354 A) reference which discloses, teaches or suggests to one skilled in the art how to modify the reference to provide for a device which allows a plurality of different mounting units to be mounted within a mounting cavity such that different types of items may be securely mounted within the compartment of a vehicle. There is no disclosure, teaching, or fair suggestion of how to modify the permanently moveably attached hook of the Kempkers (US 4,221,354 A) reference to provide for mounting a particular desired mounting unit within the cavity such that items like GPS devices or a cooler can be securely mounted within a vehicle compartment. Further the Kempkers (US 4,221,354 A) reference does not disclose, teach, or fairly suggest how to provide electrical power to a securely held electronic device so

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as to allow for it to be either powered up or recharged from the vehicle's electrical system.

In light of the fact that Applicants' independent claims are not disclosed, taught, or suggested by the Kempkers (US 4,221,354 A) reference the Applicants' dependent claims are also not disclosed, taught, or suggested by the Heinz et al (US 5,769,294) reference either.

Clearly, when viewed Kempkers (US 4,221,354 A) reference does not disclose, teach, or fairly suggest Applicant's claimed invention.

Claims 1 – 6, 8 – 15, and 17 – 20 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 – 6, 8 – 15, and 17 – 20 of copending Application No. 10/905,107. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claims 7 and 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1 – 23 of copending Application No. 10/905,107. Specifically, the Examiner states:

Although the conflicting claims are not identical, they are not patentably distinct from each other because the prongs of Application No. 10/905,107 are shown to have a tapered shape. While not claimed, one reading the claims would certainly recognize that the claimed prongs had a tapered shape when referring back to the original specification to determine what was meant by the term "prong". Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the prongs of the presently claimed invention with a tapered shape.

This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

Applicant notes the Examiner's provisional rejection of claims 1 – 20 under 35 U.S.C. 101 as claiming the same invention as that of claims 1 – 23 of co-pending Application No. 10/905,107.

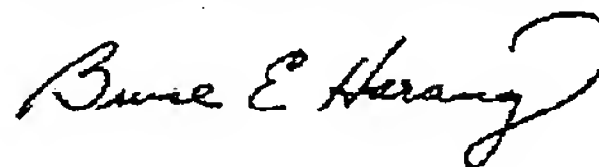
Upon notice of allowable subject matter Applicant will cancel any claims on in Application No. 10/707,432 duplicating said allowable subject matter. In light of the provisional nature of this rejection Applicant believes that this is a complete response at this time.

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Applicant notes the references cited by the Examiner but not used as a basis of rejection. In view of these references not being a basis of rejection, Applicant makes no further comment about them.

In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action and issuance of a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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